



Town of Hamden

Planning and Zoning Department

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September 16, 2013

MINUTES: THE PLANNING & ZONING COMMISSION, Town of Hamden, held a Public Hearing and Regular Meeting on Tuesday, September 10, 2013 at 7:00 pm. in the Thornton Wilder Hall, Miller Memorial Library Complex, 2901 Dixwell Avenue, Hamden with the following results:

Commissioners in attendance:

Ann Altman, Chairperson
Lee Campo
Michele Mastropetre
Myron W. Hul
Jennifer Cutrali
Peter Reynolds
Bob Roscow

Staff in attendance:

Leslie Creane, Town Planner
Stacy Shellard, Clerk
Genevieve Bertolini, Stenographer

Ms. Altman called the meeting to order at 7:01 p.m.

Attorney Narantuya Zadkhuu thanked the Commission and the Chair of the Commission for welcoming her delegation from Zavkhan Province, Mongolia, to the meeting. Her remarks were translated by Dr. Ariun Narmandakh.

Ms. Altman announced she is resigning from the Commission and that this is her last meeting.

The clerk read the Public Hearing items into the record. Ms. Altman introduced the panel and reviewed the Public Hearing procedures.

A. Public Hearing

1. Special Permit & Site Plan 13-1215/CAM

2145 State St rear(aka 2155 State st), T-4 zone
Place of Worship
Evergreen Ministries International, Applicant
Public Hearing continued from 7/23/13

Mr. Michael Zarba, Professional Engineer, addressed the Commission reviewed the existing site. He explained that there will be interior work done and improvements to the existing parking lot.

Ms. Leslie Creane, Town Planner read comments prepared by Mr. Dan Kops', Assistant Town Planner, which recommend approval with the conditions stated and based on the following plans:

“Application to Validate Religious Institution at 2145 State Street Rear (2155) Hamden CT 06517,” sheet RS-001 and Floor Plan FP 01, dated July 28, 2013, prepared by Michael F. Zarba, P.E.

Ms. Altman asked Mr. Zarba if he accepts the conditions as stated in Mr. Kops' comments and Mr. Zarba replied yes.

Ms. Mastropetre asked if the Place of Worship has opened. Mr. Winston McKenzie, Assistant to Mr. Zarba explained that it had opened and this application is in response to a notice of violation. Ms. Mastropetre said the comments state the seating capacity is 78 people and the conditions of approval allow 123. Ms. Creane explained that the condition addresses the parking ratio. Ms. Mastropetre would like a condition of approval that read: “Parking spaces must be striped”.

Ms. Cutrali asked how the applicant opened prior to receiving an approval. Ms. Creane explained that the applicant is going through the procedure necessary to open because he had received a notice of violation. Ms. Cutrali recommended that Condition #7, which states “A Zoning Permit must be obtained prior to further use as a place of worship”, must be met prior to the location being used as a place of worship.

Mr. Hul asked if the use is approved would they be able to use the location as intended now. Ms. Creane replied no, the applicant must get a zoning permit and meet all the conditions of approval. Mr. Hul asked how long it would take to get a zoning permit. Ms. Creane explained the zoning permit process. Mr. Hul asked Mr. Zarba when he would be able to complete the final plans and meet the conditions of approval. Mr. Zarba stated that he hoped to complete the plans and meet the conditions of approval by the end of this week. Mr. Hul asked if the zoning permit requirement can be suspended for seven to ten days so that the location can be used as intended. Ms. Creane replied no and that the location must be properly permitted.

Mr. Campo noted that the plan does not indicate the location of the dumpster. Ms. Creane said that the applicant needs to place it on the plan and that the location of the dumpster can be approved by the planning staff.

Mr. Roscow said that the entrances to the building must be handicapped accessible. Ms. Creane explained that the building already exists and handicapped accessibility building code would be handled by the Building Department. Mr. Roscow feels that the accessibility into a building is a site issue and there should be handicapped ramps. Ms. Creane stated that she is in agreement. Mr. McKenzie explained that the front entrance has a handicapped ramp. What is shown on the plans is for a ramp to be placed at the side entrance.

Ms. Altman asked for comments in favor and against the application. There were none.

Ms. Altman closed the Public Hearing.

2. Special Permit & Site Plan 13-1221

1717 Dixwell Ave, T-4 zone

Retail

Centerplan 1717 Dixwell Ave, LLC

Deadline to open Public Hearing 9/12/13

Mr. Robert Baltramaitis, Professional Engineer, addressed the Commission. He submitted to the clerk a photo of the public hearing sign and an affidavit. Mr. Baltramaitis gave the history of the property and said that the existing buildings will be demolished. An application to subdivide the property was submitted with the Special Permit & Site Plan application. The existing building will be demolished and both lots will be used for retail. A Family Dollar Store will be located on parcel one (corner lot), and the retail use on parcel two has not been determined. The Family Dollar Store building will be 9,180 square feet and will have 38 parking spaces. Parcel two's building will be 12,000 square feet. Mr. Baltramaitis explained that the two parcels will work together. The applicant has worked with the planning staff to address their concerns. The DOT has been contacted for approval of an encroachment permit. The two parcels will be served by a driveway on Mather Street. The location of the curb cut was selected to work with the Farmington Canal overpass sight line. Mr. Baltramaitis reviewed the Storm Water Management Plan, the Sediment and Erosion Plan, the Site Plan and the Elevation Plan. Mr. Baltramaitis described the architectural materials that will be used for the buildings. He stated that the conditions of approval are acceptable.

Ms. Leslie Creane, Town Planner, read comments she prepared with Mr. Dan Kops', Assistant Town Planner. Planning staff recommends approval for Subdivision Application #13-1364 with the conditions stated and based on the following plans:

“Proposed Subdivision Land of Centerplan 1717 Dixwell,” LLC, dated June 6, 2013, revised August 12, 2013/, prepared by Bolduc Land Consultants, LLC.

Ms. Leslie Creane, Town Planner, read comments she prepared with Mr. Dan Kops', Assistant Town Planner. Planning staff recommends approval for Special Permit & Site Plan Application #13-1221 with the conditions stated and based on the following plans:

“Site Plan/Special Permit/Subdivision Application for a 9,180 S.F. Family Dollar Store and a 12,000 S.F. Retail Building #1717 Dixwell Avenue, Hamden, CT” Sheets 1-9 and Misc. July 2, 2013, revised August 12, 2013 and August 29, 2013, with Sheets A-0.1 through A-2.1 revised August 26, 2013,

Ms. Altman asked if the revised stormwater management plans mentioned on page three of the comments have been submitted and Ms. Creane replied yes. Ms. Altman asked if there is room for additional parking spaces and Mr. Baltramaitis stated that parking spaces can be added and he would work with the planning staff.

Ms. Cutrali asked if the driveway to the east of the 12,000 square foot building was for the shipping and receiving area of the building and Mr. Baltramaitis replied yes. She asked Mr. Baltramaitis to review the entrance/exits for the sites. Ms. Cutrali said that the Family Dollar Store building appears to be placed at an angle on the site. Mr. Baltramaitis explained that the zoning regulations require a building to be parallel to the street line and he reviewed the placement of the building, the elevations and the entrance and exits onto Dixwell Avenue and Mather Street. He further explained that the Family Dollar Store will use larger delivery vehicles and the AutoCAD use and Auto-turn programs were used to determine the path of different sized vehicles.

Ms. Altman asked if Mr. Baltramaitis was expecting there to be foot traffic onto the site. Mr. Baltramaitis replied that the site is pedestrian and bicycle friendly, and is located in a T-4 zone.

Mr. Hul asked why, because of the turn radius for delivery trucks, there was no exit on the southern end of the property. Mr. Baltramaitis explained it was because of the vertical grade change on Mather Street. He reviewed the original proposal which created a dangerous site line condition. Mr. Hul asked if the proposed stormwater management system for a 100 year storm event was customary. Mr. Baltramaitis that the stormwater management plan was typically designed for the peak runoff rate, but they looked at the volume for a 100 year storm. A large retention area was proposed to hold the full volume of the site. Mr. Hul asked if the 12,000 square foot building will front Mather Street and Mr. Baltramaitis replied yes. Mr. Hul discussed his concerns with regard to the

entrance on Dixwell Avenue. He described his experience on Dixwell Avenue where the CVS is located and vehicles traveling southbound back up traffic when taking a left hand turn into the site. Mr. Baltramaitis reviewed his traffic study with the Commission.

Ms. Mastropetre said that the site previously had a manufacturing use and she asked if there was contamination on the site. Mr. Baltramaitis said the site will be abated.

Mr. Bob Landino, Center Plan, addressed the Commission and reviewed the history of the property. He said that remediation was done and any isolated issues will be addressed during construction. Ms. Mastropetre asked if remediation may be necessary for the site and the building and Mr. Landino replied yes but that they would be isolated issues.

Ms. Cutrali asked who would require environmental reports and samplings from a site. Mr. Landino replied that there is a State law and reports and samplings are always required when getting a mortgage to develop the site.

Ms. Altman asked for comments in favor and against the application. There was none.

Ms. Altman closed the Public Hearing.

3. Special Permit & Site Plan 13-1222/WS

30 Oregon Ave, T-4 zone

Multi-Family

Gerald Ryan, Applicant

Deadline to open Public Hearing 9/26/13

Ms. Altman opened the Public Hearing and continued it until the October 8, 2013 meeting.

B. Regular Meeting

Ms. Altman asked for a motion to add a request for a bond release to the agenda.

Ms. Cutrali made the motion to add the bond release request for Special Permit & Site Plan 01-921. Ms. Mastropetre seconded the motion. The motion passed unanimously.

1. Special Permit & Site Plan 13-1215/CAM

2145 State St rear(aka 2155 State st), T-4 zone

Place of Worship

Evergreen Ministries International, Applicant

Mr. Campo made the motion to approve Special Permit & Site Plan 13-1215/CAM with the conditions as recommended by Mr. Dan Kops, Assistant Town Planner, and added condition 9: Stripe the parking lot within three months:

1. The applicant must obtain a Zoning Permit.
2. Prior to obtaining a Zoning Permit the applicant must submit a revised plan containing:
 - a. A dumpster placed on a concrete pad, surrounded on three sides by 6 inch high asphalt curbing and screened from view.
 - b. Reference to the easement allowing access to the site.
 - c. A Bulk Requirements Table that includes the parking requirements for all the rental units.
 - d. All Conditions of Approval.
3. The Zoning Permit must bear the approval of both the Fire Marshall and the GNHWPCA.
4. Unless otherwise approved by the Commission the number of people allowed to use the place of worship at any given time is 123.

5. All catch basins with sumps should be inspected at least three times a year. Sediment and debris should be removed at least twice a year or as soon as deposits are within six inches of the outlet.
6. Deposits should be removed immediately after a contaminant spill, when sediment is a foot deep, or at least once a year.
7. A Zoning Permit must be obtained prior to further use as a place of worship.
8. All work must be completed by September 10, 2018.
9. **Stripe the parking lot within three months**

Mr. Hul asked if applicant can stripe the parking lot if they do not own the property. Ms. Creane said the striping of the parking lot is a condition of approval to use the property. Ms. Altman noted that the applicant will need to address it with the landlord. Ms. Creane advised the Commission that when an applicant submits an application the signature of the property owner is required and thus allows the property owner is involved in the process.

Ms. Mastropetre seconded the motion. The motion passed unanimously.

Ms. Mastropetre made the motion to find the application to be consistent with all applicable goals and policies in accordance with the Connecticut Coastal Management Act. Mr. Campo seconded the motion. The motion passed unanimously.

2. Subdivision 13-1364

1717 Dixwell Avenue
Centerplan 1717 Dixwell, LLC

Ms. Mastropetre made the motion to approve Subdivision 13-1364 with the conditions as recommended by Ms. Leslie Creane, Town Planner and Mr. Dan Kops, Assistant Town Planner.

1. The approved, signed subdivision map must be filed at the Town Clerk's Office in accordance with State Statutes.
2. Any work associated with the subdivision must be completed by September 10, 2018.
3. The RWA should be granted access to the site for annual inspections.

Ms. Cutrali seconded the motion the motion passed unanimously.

3. Special Permit & Site Plan 13-1221

1717 Dixwell Ave, T-4 zone
Retail
Centerplan 1717 Dixwell, LLC

Ms. Mastropetre made the motion to approve Special Permit & Site Plan 13-1221 with the conditions as recommended by Ms. Leslie Creane, Town Planner and Mr. Dan Kops, Assistant Town Planner.

- 1) The applicant must obtain a Zoning Permit.
- 2) Prior to the Issuance of a Zoning Permit, the applicant must:
 - A) File the approved Subdivision Plan, endorsed by the Town Planner and the Town Engineer, at the Town Clerk's Office.
 - B) Submit a revised site plan for approval by Town Planner and Town Engineer, containing:
 - 1) Changes required by the Connecticut Department of Transportation.
 - 2) All sidewalks adjacent to perpendicular parking spaces adjusted to have six feet widths or wheel stops in the parking spaces.
 - 3) One-way in arrow on the pavement and a "One Way – Do Not Enter" or the "F" style sign at the entrance drive on both Dixwell Avenue and Mather street, to reduce the risks of vehicles exiting via entrances.

- 4) Elimination of the paved driveway adjacent to the south side of the 12,000 square foot building and its replacement with landscaping and parking where possible, unless the driveway can be shown to have functional utility.
 - 5) Replacement of the parking space at the southeast corner by a space that is fully useable.
 - 6) Replacement of the four parking spaces close to the eastern side of the Family Dollar Store and perpendicular to Mather Street by spaces that are fully useable.
 - 7) All building lighting shown on the Site Plan that is depicted in Building Elevations.
 - 8) A revised Photometric Study, consistent with the revised Site Plan.
 - 9) A revised Grading and Utilities Plan, consistent with the revised Site Plan, that provides adequate containment of storm water during a 100 year storm.
 - 10) The lighting intensity on Sheet SL-1 reduced to a maximum of 2.4 foot-candles on the site.
 - 11) A fire lane approved by the Fire Marshal.
 - 12) A note stating that all demolition material will be transported on State roads and not through residential neighborhoods.
 - 13) All Conditions of Approval.
- C) Submit an updated Traffic Study for review by Town Planner and Town Engineer.
- D) Provide a performance bond in an amount approved by the Town Planner and Town Engineer.
- 3) Prior to the start of construction the applicant must obtain an Encroachment Permit from DOT.
 - 4) During the construction phase:
 - A) All sedimentation and erosion controls should be installed and the RWA should be given three days prior notice to inspect them, prior to the start of any other construction activity.
 - B) There should be absolutely no discharges of fluids or dry chemicals to the environment;
 - C) Any hazardous materials should be recycled or properly disposed of by a licensed waste hauler.
 - D) Care should be taken to avoid compacting the soil.
 - E) Erosion controls should be inspected regularly and immediately after rainfall, and maintained and modified as necessary to ensure optimum performance. Erosion controls should be installed around the base of all stockpiles of excavated materials and the pile should be temporarily seeded or covered if it will remain at the site for longer than one month.
 - F) All oil, paint, and other hazardous materials should be stored in a secondary container and placed in a locked indoor area with an impervious floor during no-work hours.
 - G) A supply of absorbent spill response material should be available, especially during refueling, to clean up any spills of hazardous material such as gasoline or oil. The RWA should be notified in the event of a spill.
 - H) All work must comply with GNHWPCA standards and specifications.
 - I) Hours of construction shall be limited to between 7am and 7pm Monday through Friday and 7 am to 5 pm Saturday
 - 5) All work must be completed by September 10, 2018.
 - 6) After the completion of the project:
 - A) Existing catch basins and all components of the stormwater infiltration system should be inspected at least three times a year.
 - B) Sediment and debris should be removed at least twice a year and more frequently if needed.
 - C) Deposits should be removed immediately after a contaminant spill, when sediment is a foot deep, or at least once a year.
 - D) The RWA must be given access to inspect the property on an annual basis.

Ms. Mastropetre stated that she was happy to see something being proposed for this site because it has been an eyesore for years and the Commission agreed.

Ms. Cutrali seconded the motion. The motion passed unanimously.

4. Special Permit & Site Plan 13-1222/WS

30 Oregon Ave, T-4 zone
Multi-Family
Gerald Ryan, Applicant

This item was tabled until the October 8, 2013 meeting.

5. C.G.S. 8-24 13-345

Farminton Canal Trail
(located behind 1245 Dixwell Avenue)
Monitoring Wells
Town of Hamden, Applicant

Ms. Leslie Creane, Town Planner read Mr. Dan Kops', Assistant Town Planner's comments which recommend that the Planning and Zoning Commission issue a favorable review of the proposed monitoring wells at the Farmington Canal Trail to the Legislative Council.

Mr. Roscow made the motion to refer the C.G. S. 8-24 13-345 for the monitoring wells with a favor report to the Legislative Council. Mr. Campo seconded the motion.

Ms. Mastropetre asked if there is contaminated water in the area and is that the reason for the monitoring wells. Ms. Creane replied yes. Mr. Hul asked if there is contamination on Town property is the town liable. Ms. Creane explained that the monitoring wells are in place but she is unsure of the type of remediation being done. The purpose of the C.G.S. 8-24 is to allow the town to access the wells to test the progress of the remediation effort.

The motion passed unanimously.

6. Special Permit 07-1109

1960-1976 Whitney Avenue
Request to release bond \$21,940
Ken Ginsberg, Applicant

Ms. Altman reviewed the request to release the bond in the amount of \$21,940.00. She advised the Commission that Ms. Holly Masi, Zoning Enforcement Officer, recommends that the request be approved.

Mr. Campo made the motion to approve the request to release the bond in the amount of \$21,940.00 as recommended by Ms. Holly Masi, Zoning Enforcement Officer. Ms. Mastropetre seconded the motion. The motion passed unanimously.

7. Special Permit & Site Plan 84-692

2331 Dixwell Avenue, T-5 Zone
Request for Bond Release: \$1,653,333.00
Stop & Shop Supermarket Co. & Fusco/Gottlieb, Applicants

Ms. Altman reviewed the request to release the bond in the amount of \$1,653,333.00. She advised the Commission that Ms. Holly Masi, Zoning Enforcement Officer, recommends that the request be denied.

Ms. Mastropetre made the motion to deny the request to release the bond as recommended by Ms. Holly Masi, Zoning Enforcement Officer. Mr. Campo seconded the motion.

Mr. Hul asked if there had been a previous request to release the bond that was denied and Ms. Creane replied yes. Mr. Hul asked if the planning staff has discussed with the applicant when the work will be completed. Ms. Creane explained that they have spoken with the applicant and that the planning staff has not received satisfactory

responses. Mr. Campo asked if a time limit can be set to complete the work. Ms. Creane explained that the State of Connecticut State Legislature has extended that time allowed to complete projects. This applicant has until 2015 to complete the work before the bond can be called. Mr. Hul asked if there are any known hazards with the work not being completed and Ms. Creane advised no.

The motion passed unanimously.

8. Special Permit & Site Plan 01-921

75 Leeder Hill Drive

Request for Bond Release: \$53,405.00

Howard Goldfarb, Applicant

Ms. Altman reviewed the request to release the bond in the amount of \$53,405.00. She advised the Commission that Ms. Holly Masi, Zoning Enforcement Officer recommends that the bond be reduced to \$29,130.00.

Ms. Mastropetre made the motion to reduce the amount of the bond to \$29,130.00 as recommended by Ms. Holly Masi, Zoning Enforcement Officer. Mr. Campo seconded the motion. The motion passed unanimously.

9. Proposed changes to the Planning & Zoning By-Laws

Ms. Mastropetre made the motion to table this item until the October 8, 2013 meeting. Mr. Roscow seconded the motion. The motion passed unanimously.

C. Old Business/ New Business

1. Review minutes of June 25, 2013
Sub-committee for By-Laws

Tabled until the October 10, 2013 meeting.

2. Review minutes of July 23, 2013

Ms. Mastropetre made the motion to approve the minutes of July 23, 2013. Mr. Campo seconded the motion.

Mr. Hul stated that on page 2, paragraph 3, 1st line, "property line" should read "zoning line".

The Commission voted unanimously to approve the minutes of July 23, 2013 as amended.

3. Minor Amendment – 385-415 Putnam Avenue

Ms. Cutrali made the motion to table this item until the September 24, 2013 meeting. Mr. Roscow seconded the motion. The motion passed unanimously.

The Commissioner wished Ms. Altman well and expressed their appreciation for her time and work as a member of the Commission.

Ms. Creane extended a special thank you to Ms. Altman for her participation when the zoning regulations were being amended.

Ms. Altman thanked the Commission and the Planning Staff for the work that they had done during her time on the Commission.

Mr. Nyamdorj Baljinnyam, Deputy Governor of Zavhan Province, thanked Ms. Altman for all her work on behalf of the delegation and presenter her with the Friendship Medal of Zavkhan Province and some gifts. Ms. Altman

thanked the Deputy Governor and said that she hopes to continue to collaborate with Democrats in Mongolia, focusing on planning, zoning and public participation in democratic processes.

Ms. Creane stated that she will distribute an article from the Wall Street Journal that was submitted by Mr. Hul. The article addresses housing and urban development at the federal level and the withholding of funds from Westchester County in New York because of exclusionary zoning and housing issues. Ms. Creane explained how the Town of Hamden has addressed these issues and amended the zoning regulations to include affordable housing requirements.

D. Adjournment

Ms. Cutrali made the motion to adjourn. Mr. Lee seconded the motion. The motion passed unanimously.

The meeting adjourned at 8:45 p.m.

Submitted by: _____
Stacy Shellard, Clerk of the Commission